

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

FILED  
JUL 30 2008  
JUL 30 2008

GEROME ALLEN JAMES  
PLAINTIFF  
VS.

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

MICHAEL SHEAHAN, SCOTT KURTOVICH,  
DIRECTOR ANDREWS, SUPT. DOE, CHIEF DOE,  
CAPTAIN DOE, LT. MULDY, SGT. DOODY,  
M. REITAS, SGT. WAYNE, /O MCCLENDON,  
OLLIE GAVIN, TYRONE GILMORE, BRIAN RUZANSKI,  
JOHN DOE 1-30  
DEFENDANTS

08C1019  
HONORABLE JUDGE  
JAMES HOLDERNAN  
MAGISTRATE JUDGE  
SCHENKIER

PLAINTIFF RESPONSE TO MOTION TO  
DISMISS

NOW COMES THE PLAINTIFF IN HIS OWN PROPER PERSON  
AND MOVES THIS HONORABLE COURT WITH HOPE IT WILL NOT  
DISMISS PLAINTIFF COMPLAINT OR EXCLUDE DEFENDANT  
MICHAEL SHEAHAN AS A DEFENDANT IN THIS COMPLAINT.

ARGUMENT

ON APRIL 26, 2006, FORMER SHERIFF OF COOK COUNTY MICHAEL  
SHEAHAN WAS THE ACTIVE SHERIFF OF COOK COUNTY WHICH  
INCLUDES COOK COUNTY JAIL.

MICHAEL SHEAHAN WAS WELL AWARE THAT HIS SUBORDINATES  
WERE VIOLATING THE CONSTITUTIONAL RIGHTS OF THE DETAINEES  
HOUSED IN COOK COUNTY JAIL, AND FAILED TO TAKE THE STEPS  
NECESSARY IN PROTECTING THE RIGHTS OF THE DETAINEES

AS WAS HIS DUTY.

DEFENDANT SHEAHAN HAD THE ABILITY TO PREVENT THE USE OF THE EXCESSIVE FORCE PRACTICE IN WHICH THE PLAINTIFF WAS SUBJECTED TO ON APRIL 26, 2006, YET DEFENDANT SHEAHAN TURNED A BLIND EYE. HE KNEW OF THE PRACTICE, POLICY, AND PROCEDURE OF EXCESSIVE FORCE WITHIN THE COOK COUNTY JAIL, AND ALTHOUGH WAS NOT PERSONALLY INVOLVED IN ANY OF THE BEATINGS SUCH AS THE ONE SUFFERED BY THE PLAINTIFF, DEFENDANT SHEAHAN HAD FIRST HAND KNOWLEDGE THE JAIL DETAINEEES WERE BEING SUBJECTED ~~TO~~ BY COOK COUNTY CORRECTIONAL OFFICERS. THE USE OF EXCESSIVE FORCE AGAINST DETAINEEES IS A LONG STANDING PRACTICE IN COOK COUNTY JAIL.

DEFENDANT SHEAHAN'S KNOWLEDGE AND FAILURE TO PROVIDE ADEQUATE PROTECTION, AND A REMEDY AGAINST THE USE OF EXCESSIVE FORCE WITHIN THE JAIL MADE HIM SEEM TO ALLOW, CONDONE AND EVEN APPROVE OF IT BY NOT TAKEN THE SUBSTANTIAL STEPS TO PREVENT IT.

MICHAEL SHEAHAN SHOULD NOT BE DISMISSED AS A DEFENDANT IN THIS SUIT, AND SHOULD BE HELD ACCOUNTABLE FOR THE SUBORDINATES UNDER HIS SUPERVISORY, BECAUSE THE ENTIRE TIME DEFENDANT SHEAHAN WAS SHERIFF OF COOK COUNTY THERE HAD BEEN SEVERAL THOUSAND CLAIMS AND EVIDENCE OF THE USE OF EXCESSIVE FORCE AGAINST THE DETAINEEES OF COOK COUNTY JAIL.

GIVEN THIS DEFENDANT SHEAHAN SHOULD NOT BE EXCLUDED

UNDER HIS INDIVIDUAL OR HIS (FORMER) OFFICIAL CAPACITY, IT WAS HIS INDIVIDUAL, AND OFFICIAL DUTY ON APRIL 26, 2006 TO ENSURE THAT THE PLAINTIFFS 8th, AND 14th AMENDMENT UNITED STATES CONSTITUTIONAL RIGHT. (NOT TO BE SUBJECTED TO CRUEL AND UNUSUAL PUNISHMENT, AND EQUAL PROTECTION OF THE LAWS) AS SHERIFF OF COOK COUNTY HE TOOK AN OATH TO PROTECT THE RIGHTS OF THE PEOPLE OF COOK COUNTY, AND UPHOLD THE LAW.

DEFENDANT SHEAHAN'S NAME IS NOT JUST ADDED TO THE CAPTION OF THIS CLAIM. DEFENDANT SHEAHAN'S FAILURE TO ACT, CAUSED THE CONSTITUTIONAL DEPRIVATION OF THIS PLAINTIFF, AND AS A RESULT THE PLAINTIFF WAS SUBJECTED TO CRUEL AND UNUSUAL PUNISHMENT.

THIS GOES BEYOND THE DEFENDANT "SHOULD HAVE KNOWN" DEFENDANT SHEAHAN DID KNOW, AND IT IS THE PLAINTIFF KNOWLEDGE AND BELIEF THAT SHEAHAN (AS SHERIFF) HAD SPOKEN PUBLICLY CONCERNING THE ISSUE OF EXCESSIVE FORCE WITHIN THE JAIL, AFTER A DETAINEE WAS BEATEN TO DEATH BY OFFICERS (JAIL GUARDS) AT THE JAIL.

WHEREFORE, IT IS WITH GREAT HOPES THAT MICHAEL SHEAHAN NOT BE EXCLUDED AS A DEFENDANT IN THIS CIVIL COMPLAINT AND HE BE HELD ACCOUNTABLE IN HIS INDIVIDUAL, AND (FORMER) OFFICIAL CAPACITY.

RESPECTFULLY SUBMITTED

Jerome James  
PLAINTIFF

DATE. 7-23-08

CERTIFICATE OF SERVICE

I, JEROME ALLEN JAMES, SWEAR UNDER PENALTY OF PERJURY THAT I SERVED A COPY OF THE ATTACHED DOCUMENT ON JACK G. VERGES DOO RICHARD J. DALEY CENTER CHICAGO, IL. 60609, BY PLACING IT IN THE MAIL AT COOK COUNTY JAIL ON JULY 23rd, 2008

Jerome James